United Nations A/73/586

General Assembly

Distr.: General
27 November 2018

Original: English

Seventy-third session
Agenda item 71

Rights of indigenous peoples

Report of the Third Committee

Rapporteur: Ms. Katharina **Konzett-Stoffl** (Austria)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-third session the item entitled:

"Rights of indigenous peoples:

"(a) Rights of indigenous peoples;

"(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item at its 16th meeting, on 12 October 2018, and considered proposals and took action on the item at its 52nd meeting, on 19 November 2018. An account of the Committee's discussion is contained in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it a note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples (A/73/176) and the report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Peoples (A/73/137).

4. At the 16th meeting, the Special Rapporteur on the rights of indigenous peoples made an introductory statement and engaged in an interactive dialogue with the representatives of the Philippines, New Zealand, the Russian Federation, Canada, Mexico, Norway, South Africa, the United States of America, the European Union, Brazil and Ecuador.

[1] A/C.3/73/SR.16 and A/C.3/73/SR.52.

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II. Consideration of draft resolution A/C.3/73/L.24/Rev.1

5. At its 52nd meeting, on 19 November, the Committee had before it a draft resolution entitled "Rights of indigenous peoples" (A/C.3/73/L.24/Rev.1), which replaced draft resolution A/C.3/73/L.24 and was submitted by Armenia, Australia, Belize, Bolivia (Plurinational State of), Denmark, Ecuador, Finland, Honduras, Nicaragua, Norway, Paraguay, Spain, Sweden and Venezuela (Bolivarian Republic of). Subsequently, Argentina, Austria, Brazil, Canada, Costa Rica, Cuba, Cyprus, El Salvador, Estonia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Malaysia, Mexico, Panama, Peru, Poland, Slovenia, South Africa, Sweden and Ukraine joined in sponsoring the draft resolution.

6. At the same meeting, the Committee adopted draft resolution A/C.3/73/L.24/Rev.1 (see para. 8).

7. After the adoption of the draft resolution, statements were made by the representatives of Romania (also on behalf of Bulgaria, France and Slovakia), the United States and the United Kingdom of Great Britain and Northern Ireland.

III. Recommendation of the Third Committee

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Rights of indigenous peoples

The General Assembly,

Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples, reaffirming its resolutions 65/198 of 21 December 2010, 66/142 of 19 December 2011, 67/153 of 20 December 2012, 68/149 of 18 December 2013, 69/2 of 22 September 2014, 69/159 of 18 December 2014, 70/232 of 23 December 2015, 71/178 of 19 December 2016, 71/321 of 8 September 2017, 72/155 of 19 December 2017 and 72/247 of 24 December 2017, and recalling Human Rights Council resolutions 27/13 of 25 September 2014,[1] 30/4 of 1 October 2015,[2] 33/12 and 33/13 of 29 September 2016,[3] 36/14 of 28 September 2017[4] and 39/13 of 28 September 2018,[5]

Reaffirming the United Nations Declaration on the Rights of Indigenous Peoples,[6] which addresses the individual and collective rights of indigenous peoples,

Reaffirming also the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in New York on 22 and 23 September 2014,[7] in which Heads of State and Government, ministers and representatives of Member States reiterated the important and continuing role of the United Nations in promoting and protecting the rights of indigenous peoples, recalling the inclusive preparatory process for the high-level plenary meeting, including the comprehensive engagement of the representatives of indigenous peoples, and welcoming and reaffirming the commitments, measures and efforts undertaken by States, the United Nations system, indigenous peoples and other actors in its implementation,

Encouraging the active engagement of indigenous peoples in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, including at the regional and global levels,

Recalling the 2030 Agenda for Sustainable Development,[8] and stressing the need to ensure that no one is left behind and to reach the furthest behind first, including indigenous peoples, who should participate in, contribute to and benefit without discrimination from the implementation of the 2030 Agenda, and encouraging Member States to give due consideration to all the rights of indigenous peoples while implementing the 2030 Agenda,

[1] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.
[2] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.
[3] Ibid., *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.
[4] Ibid., *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.
[5] Ibid., *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1).
[6] Resolution 61/295, annex.
[7] Resolution 69/2.
[8] Resolution 70/1.

Stressing the importance of promoting and pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples also through international cooperation to support national and regional efforts to achieve the ends of the Declaration, including the right to maintain and strengthen the distinct political, legal, economic, social and cultural institutions of indigenous peoples and the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State,

Bearing in mind the policy instruments in the Global Compact for Safe, Orderly and Regular Migration for Member States to draw on, including to respond to the needs of migrants who face situations of vulnerability, including indigenous peoples,

Taking note with appreciation of the agreed conclusions of the sixty-second session of the Commission on the Status of Women,[9] in which Governments at all levels and as appropriate, with the relevant entities of the United Nations system and international and regional organizations, within their respective mandates and bearing in mind national priorities, were urged to promote and protect the rights of indigenous women and girls living in rural and remote areas by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, ensuring access to quality and inclusive education, health care, public services, economic resources, including land and natural resources, and women's access to decent work, and promoting their meaningful participation in the economy and in decision-making processes at all levels and in all areas, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples,

Recognizing that violence against indigenous women and girls has a negative impact on their enjoyment of human rights and fundamental freedoms and constitutes a major impediment to women's full, equal and effective participation in society, the economy and political decision-making, and in this regard recalling Human Rights Council resolution 32/19 of 1 July 2016, entitled "Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls",[10] which brings closer attention to this issue, and recognizing also the negative effects of multiple and intersecting forms of discrimination,

Stressing the importance of the empowerment and capacity-building of indigenous women and youth, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and youth, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

Deeply concerned at the vast number of endangered languages, in particular indigenous languages, and stressing that, despite the continuing efforts, there is an urgent need to preserve, promote and revitalize endangered languages, in particular indigenous languages,

Reaffirming the importance of the International Year of Indigenous Languages to draw attention to the critical loss of indigenous languages and the urgent need to

[9] See *Official Records of the Economic and Social Council, 2018, Supplement No. 7* (E/2017/27), chap. I, sect. A.

[10] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. V, sect. A.

preserve, revitalize and promote indigenous languages, including as an educational medium, and to take further urgent steps to that end at the national and international levels,

Welcoming the preparations and the progress made for the celebration of the 2019 International Year of Indigenous Languages, including the lead role of the United Nations Educational, Scientific and Cultural Organization in developing an action plan and the establishment of the steering committee for organizing the International Year, in consultation and cooperation with Member States, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples, as well as indigenous peoples and a range of different stakeholders,

Recognizing that indigenous peoples can contribute to a range of issues on the international agenda,

Recognizing the importance to indigenous peoples of revitalizing, using, developing and transmitting to future generations their histories, languages, oral traditions, philosophies, writing systems and literature,

Expressing concern that, in some cases, suicide rates in indigenous peoples' communities, in particular among indigenous youth and children, are significantly higher than in the general population,

Bearing in mind the importance of promoting respect for the rights of indigenous children, in particular eliminating the worst forms of child labour, in accordance with international law, including relevant human rights law and international labour law obligations,

Recognizing the importance of access to justice in the promotion and protection of the rights of indigenous peoples and individuals and the need to examine and take steps to remove obstacles to justice, especially for indigenous women, indigenous children, youth, older persons and indigenous persons with disabilities,

Underlining the responsibility of transnational corporations and other business enterprises to respect all human rights, applicable laws and international principles[11] and operate transparently and in a socially and environmentally responsible manner, and emphasizing the need to refrain from negatively affecting the well-being of indigenous peoples and to take further action towards corporate responsibility and accountability, including the prevention, mitigation and remediation of human rights abuses,

Taking note of the report of the Special Rapporteur on the rights of indigenous peoples,[12] noting with concern her findings with regard to attacks against indigenous human rights defenders and her reflections on available prevention and protection measures, and calling upon all States to consider the recommendations contained in the report,

Taking note with appreciation of the decision of the Human Rights Council, in its resolution 39/13, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the forty-fifth session of the Council will be on the protection of indigenous human rights defenders,

Recognizing the importance of free, prior and informed consent, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples,

[11] Including the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (A/HRC/17/31, annex).

[12] A/HRC/39/17.

Recognizing also the value and the diversity of the cultures and the form of social organization of indigenous peoples and their holistic traditional knowledge of their lands, natural resources and environment,

Recognizing further the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care and health-care services, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for indigenous peoples and others living in rural areas,

Recognizing the importance of facilitating indigenous peoples' livelihoods, which may be achieved by, inter alia, the recognition of their traditions, adequate public policies and economic empowerment,

Recognizing also that the economic empowerment, inclusion and development of indigenous peoples, including through the establishment of indigenous-owned businesses, can enable them to improve their social, cultural, civil and political engagement, achieve greater economic independence and build more sustainable and resilient communities, and noting the contribution of indigenous peoples to the broader economy,

Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators and about the impediments to their full enjoyment of their rights,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth, older persons and persons with disabilities, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting their equal access to justice,

Taking note with appreciation of resolution 72/128 of 7 December 2017, entitled "Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly", in which the General Assembly decided to invite the Fund to participate in the sessions and the work of the Assembly in the capacity of observer,

1. *Notes with appreciation* the work of the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues and the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, takes note of the report of the Special Rapporteur,[13] and encourages all Governments to respond favourably to her requests for visits;

2. *Urges* Governments and the United Nations system, in consultation and cooperation with indigenous peoples through their representatives and institutions, to continue to implement, when appropriate, measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples[5] and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service, as well as among indigenous peoples, and invites international and regional organizations, within their respective mandates, national human rights institutions, where they exist, civil society, including non-governmental organizations, and other relevant actors to contribute to those efforts;

3. *Underscores* the importance of implementing the outcome document of the high-level plenary meeting of the General Assembly known as the World

[13] A/73/176.

Conference on Indigenous Peoples,[6] and reiterates the commitment of Member States to cooperating with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies or other measures, where relevant, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

4. *Encourages* the leadership of the Secretary-General and of the Under-Secretary-General for Economic and Social Affairs, as the responsible senior official of the United Nations system, in overseeing the implementation of and following up on the system-wide action plan to ensure a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, raising awareness of the rights of indigenous peoples and increasing the coherence of the activities of the system in this regard, and encourages the funds, programmes and specialized agencies of the United Nations system, resident coordinators and United Nations country teams to implement this plan in full alignment with national development needs and priorities;

5. *Encourages* Member States, resident coordinators and United Nations country teams, within their mandates and in coordination with the Governments concerned, to involve indigenous peoples regarding issues affecting them in the preparation of the United Nations Development Assistance Frameworks and country programme action plans;

6. *Encourages* Member States to work towards achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

7. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization[14] to consider doing so;

8. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the Trust Fund on Indigenous Issues, the United Nations Voluntary Fund for Indigenous Peoples and the United Nations Indigenous Peoples' Partnership, invites indigenous organizations and private institutions and individuals to do likewise, and notes the importance of accessibility, accountability, transparency and balanced geographical distribution in the management of these funds;

9. *Decides* to continue to observe the International Day of Indigenous Peoples every year on 9 August, and requests the Secretary-General to support the observance of the Day from within existing resources;

10. *Encourages* Member States and all organizations and bodies of the United Nations system and other international and regional organizations, the private sector and academia, as well as civil society, including non-governmental organizations, to observe the International Day of Indigenous Peoples in an appropriate manner, including through educational and public awareness-raising activities;

11. *Encourages* Member States to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development[7] and in the elaboration of national action plans and programmes as well as international and regional programmes, applying the pledge to leave no one behind and to endeavour to reach the furthest behind first;

12. *Encourages* States to consider including in their voluntary national reviews for the high-level political forum on sustainable development and their national and global reports information related to indigenous peoples on the progress

[14] United Nations, *Treaty Series*, vol. 1650, No. 28383.

made and challenges in the implementation of the 2030 Agenda, bearing in mind paragraphs 78 and 79 of the 2030 Agenda, and also encourages States to compile disaggregated data to measure progress and to ensure that no one is left behind;

13. *Also encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

14. *Encourages* the Secretary-General to include information pertinent to indigenous peoples in the forthcoming annual reports on progress towards the Sustainable Development Goals;

15. *Stresses* the need to strengthen the commitment of States and the entities of the United Nations system to mainstream the promotion and protection of the rights of indigenous peoples into development policies and programmes at the national, regional and international levels, and encourages them to give due consideration to the rights of indigenous peoples in achieving the goals of the 2030 Agenda;

16. *Also stresses* the need for indigenous peoples of all regions to contribute to the high-level political forum on sustainable development, and encourages States to engage with indigenous peoples at the local, national and regional levels in relation to the Sustainable Development Goals;

17. *Invites* the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of indigenous peoples to give due consideration, within their mandates, to the rights of indigenous peoples as related to the implementation of the 2030 Agenda;

18. *Encourages* the Permanent Forum on Indigenous Issues to continue to provide inputs on indigenous issues to the high-level political forum on sustainable development for consideration in its thematic reviews;

19. *Underlines* the need to intensify efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and to support measures that will ensure their empowerment and full and effective participation in decision-making processes at all levels and in all areas and eliminate structural and legal barriers to their full, equal and effective participation in political, economic, social and cultural life;

20. *Reaffirms* the importance of effective accountability with regard to violence against indigenous women and girls, including sexual violence, abuse and exploitation, and of taking adequate measures to prevent and eliminate such violence;

21. *Invites* the Commission on the Status of Women to consider indigenous women's issues, among others, at the sixty-fourth session of the Commission, to be held in 2020, to coincide with the twenty-fifth anniversary of the Fourth World Conference on Women, and encourages Governments to cooperate with indigenous peoples at all levels on preparations for the 2020 review so as to benefit from their experience and expertise;

22. *Encourages* States to consider including in their reports related to indigenous peoples and women information on the progress made and challenges in the implementation of Commission on the Status of Women resolutions 49/7 of 11 March 2005, entitled "Indigenous women: beyond the ten-year review of the

Beijing Declaration and Platform for Action",[15] and 56/4 of 9 March 2012, entitled "Indigenous women: key actors in poverty and hunger eradication";[16]

23. *Encourages* Member States to establish national mechanisms with adequate funding for the successful implementation of the plan for the 2019 International Year of Indigenous Languages in partnership with indigenous peoples, and invites indigenous peoples, as custodians of their own languages, to initiate and develop their own action plans and appropriate measures for the International Year and awareness-raising campaigns to draw attention to the critical loss of indigenous languages;

24. *Invites* the United Nations Educational, Scientific and Cultural Organization, in active collaboration with other relevant United Nations entities, to organize, as a major event of the 2019 International Year of Indigenous Languages, a high-level event on indigenous languages, aiming to consider an outcome document on the International Year, which would be preceded by regional events or preparatory meetings, with the participation of indigenous peoples, encourages Member States to support their organization, and encourages the United Nations Educational, Scientific and Cultural Organization to submit a report on all activities to the General Assembly;

25. *Decides* to convene a high-level event during 2019, organized by the President of the General Assembly, for the conclusion of the International Year of Indigenous Languages, and further requests the President of the General Assembly to support initiatives relevant to the successful celebration of the International Year, within existing resources;

26. *Encourages* Governments to redouble efforts to eliminate the worst forms of child labour, both in legislation and in practice, in the context of respect for the human rights of indigenous children, including through international cooperation, as appropriate;

27. *Also encourages* Governments to promote actions to eliminate malnutrition of indigenous children, especially for those living in rural areas, providing them adequate food, water and sanitation, education, health and basic services, and to implement actions for poverty eradication;

28. *Encourages* transnational corporations and other business enterprises to respect human rights, including the rights of indigenous children, and to eliminate the worst forms of child labour from their operations;

29. *Underscores* the need to ensure equal protection of the law and equality before the courts for indigenous women and girls at all levels and, to that end, the importance of providing systematic gender-sensitivity training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender considerations into security sector reform initiatives, developing protocols and guidelines and enhancing or putting in place appropriate accountability measures for adjudicators;

30. *Encourages* States and entities of the United Nations system to strengthen international cooperation, including to address the disadvantages faced by indigenous peoples, and to increase technical cooperation and financial assistance in this regard;

31. *Encourages* the World Health Organization, the United Nations Children's Fund and other relevant United Nations agencies, funds and programmes, in accordance with their mandates, to carry out research and evidence-gathering on the

[15] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and E/2005/27/Corr.1), chap. I, sect. D.

[16] Ibid., *2012, Supplement No. 7* and corrigendum (E/2012/27 and E/2012/27/Corr.1), chap. I, sect. D.

prevalence and root causes of suicide among indigenous youth and children and good practices on its prevention and to consider developing, as appropriate, strategies or policies, consistent with national priorities, in cooperation with Member States, to tackle it, including through consultation with indigenous peoples, in particular indigenous youth organizations;

32. *Takes note with appreciation* of the work led by the Presidents of the General Assembly at its seventieth and seventy-first sessions in conducting consultations with Member States, indigenous peoples' representatives and institutions from all regions of the world and existing mechanisms of the United Nations on possible measures to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, which led to the adoption of Assembly resolution 71/321 and its decision to continue its consideration of possible further measures necessary to enhance the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them at its seventy-fifth session, taking into account the achievements in that regard of other bodies and organizations throughout the United Nations system, to be preceded by consultations with indigenous peoples' representatives and institutions from all regions of the world as an input to the intergovernmental process;

33. *Invites* Member States to support the Secretary-General in his efforts or activities to hold regional consultations, including through the regional commissions, as appropriate, before the nineteenth session of the Permanent Forum on Indigenous Issues, including by hosting such consultations, in accordance with resolution 71/321;

34. *Encourages* the United Nations system to strengthen cooperation with the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, considering its fundamental role in the Latin American and Caribbean region in processes of dialogue and consultation between States and indigenous peoples;

35. *Decides* to continue its consideration of the question at its seventy-fourth session, under the item entitled "Rights of indigenous peoples", and to maintain in the provisional agenda the sub-item entitled "Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples".